

REMARKS

Claims 1, 3-10, 12-15, 17-30 and 32-34 were pending in the application. The Office action rejected all the claims under 35 U.S.C. § 103(a) over Lazaridis et al. (U.S. Patent No. 6,463,464) in view of Ogle (U.S. Patent No. 6,430,604). The applicants respond as follows.

By this amendment, the applicants cancel claims 1, 3-10, 12-15, 17-30 and 32-34, and add new claims 35 - 45. Thus, claims 35 - 45 are now pending. Because applicant previously paid fees for 3 independent and 34 total claims, applicant's amendments require no additional fee.

In view of the amendments to the claims, the examiner's arguments are moot, but given the reliance on Lazaridis and Ogle, the applicants have the following comments.

New claim 35 recites, in part, "a first component of the real-time communication message having a first file type is arranged for transmission to the first wireless device operated by the second subscriber and a second component of the real-time communication message having a second file type is arranged for transmission to the second wireless communication device operated by the second subscriber; and transmitting the arranged real-time communication message to the second subscriber."

In a previous Office action, the examiner admitted that Ogle does not disclose sending an instant message to two different devices. In Ogle, an instant message is forwarded to a single device, in contrast to a communication system in accordance with claim 35.

Lazaridis teaches sending part of a non-real time message to a single wireless device for the express purpose of saving wireless bandwidth (Col. 1, lines 24-30). Lazaridis goes on to teach how a user can retrieve on request additional elements of the message or have portions directed to other wireline systems. The use of a single wireless communication device is in contrast to a communication system in accordance with claim 35.

Neither Ogle nor Lazaridis nor a combination thereof teach or suggest all the limitations of new claim 35, therefore claim 35 and its associated dependent claims 36-45 are allowable.

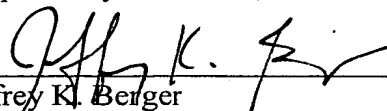
There also is no motivation to combine Lazaridis with Ogle. Lazaridis is directed to email messages and discusses at length the use of a LAN-based desktop computer to route email messages by enclosing a message in another email “wrapper.” The teaching of Lazaridis of redirecting messages for the purpose of saving wireless bandwidth and the specific teachings of email re-wrapping teaches away from a wireless network-based system for use with instant messages. The switching and call set up procedures for instant messaging (“IM”), particularly wireless instant messaging, are more similar to telephone call switching than the store-and-forward procedures used for routing email. At the time of the invention, instant messaging required that all members of a chat session be registered on the same IM host, a session was established and real-time processing of messages was handled by the single IM host. Email, on the other hand, is suited for routing a message unit from one system to another, and at the time of the invention used embedded routing information that was examined at way-points until the message arrived at a destination mail server. The applicants contend that one working on email systems at the time of the invention would not have looked to an instant messaging system such as Ogle for guidance. The applicants suggest that the examiner benefits from impermissible hindsight and possibly the widespread misconception that email and IM systems are technologically similar and readily combinable.

Application No.: 10/000,289

For at least these reasons, the applicants believe the application is in condition for immediate allowance and respectfully request the examiner to pass this application to issue. No fees are believed due, but if one is needed, the Commissioner is directed to charge or debit deposit account 13-2855.

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Respectfully submitted,

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